

Application No. 10/697,916
Amendment "C" dated December 2, 2005
Reply in Office Action mailed September 29, 2005

REMARKS

The Office Action, mailed September 29, 2005, considered and rejected claims 1-44. Claims 1-5, 7-8, 11-19, 21-22, 25-31, 34-40, and 43-44, were rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman (U.S. Patent No. 5,204,897) in view of Misra et al. (U.S. Patent No. 6,189,146). Claims 6, 9-10, 20, 23-24, 32-33, and 41-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn in view of Misra et al as applied to claim 1 above and further in view of England et al. (U.S. Patent No. 6,820,063).¹

By this paper, claims 1, 8, 9, 15, 22, 23, 25, 29, 31, 32, 37 and 42 have been amended. No claims have been added or cancelled, such that claims 1-44 remain pending for reconsideration. Claims 1, 15, 29 and 37 are the only independent claims at issue.

As previously noted, the present invention is directed to embodiments corresponding to the pre-licensing of content subject to rights management in order to allow a principal access to the content when the principal does not have access to the rights management server.

Claim 1, for instance, recites a method that includes: receiving, by the message server, a message from a sending computing system. The message is subject to rights management in that access to at least a part of the message is controlled through a rights management server. The rights management server issues one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management. The message server also receives a publishing license from the sending computing system. The publishing license contains a rights expression identifying the at least part of the message subject to rights management, specifies one or more intended recipients for the at least part of the message subject to rights management, and specifies one or more rights for each of the one or more intended recipients. On behalf of one or more principals, the message server requests at least one use license for allowing the one or more principals access to the message, wherein the request includes the publishing license to identify the at least part of the message subject to rights

¹ Although the prior art status of Wyman and Misra, and some of the assertions made with regard to the art of record is not being challenged at this time, inasmuch as it is not necessary following the disqualification of England as valid prior art for obviousness rejections, thereby rendering the existing rejections moot, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections, as it is simply not necessary at this time.

Application No. 10/697,916
Amendment "C" dated December 2, 2005
Reply to Office Action mailed September 29, 2005

management to the rights management server. The message server receives the at least one use license on behalf of the one or more principals so that the one or more principals may obtain the at least one use license from the message server and access the at least part of the message subject to rights management without having to request the at least one use license from the rights management server. The message server provides one or more of the use license to the one or more principals. Independent claim 29 recites similar limitations from the perspective of a computer program product.

Applicants' invention, as claimed for example in independent method claim 15, also relates to pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to a rights management server. The method includes: determining that a message received from a sending computing system is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management. A publishing license also received from the sending computing system is used. The publishing license contains a rights expression that identifies the at least part of the message subject to rights management, specifies one or more intended recipients for the at least part of the message subject to rights management, and specifies one or more rights for each of the one or more intended recipients. On behalf of one or more principals, the message server then obtains at least one use license so that the one or more principals can obtain the at least one use license from the message server and access to the at least part of the message subject to rights management without the one or more principals having to request the at least one use license from the rights management server. Independent claim 37 recites similar limitations from the perspective of a computer program product.

By this paper, each of the foregoing claimed embodiments have been amended to explicitly recite how the publishing license contains a rights expression that limits the one or more principals' operation in at least one of re-licensing, printing, forwarding and sharing of the content in the message. This claim limitation was already presented and considered in claims 9, 23 and 32, as they were presented in the last amendment. And while, claims 9, 23 and 32 were previously rejected, even with this limitation, it will be noted that those rejections were inappropriate. In particular, it will be noted that the obviousness rejections to claims 9, 23 and

Application No. 10/697,916
Amendment "C" dated December 2, 2005
Reply to Office Action mailed September 29, 2005

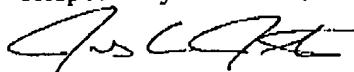
32 were all based, at least in part, on England. Applicants also note that England was commonly assigned to, or subject to, an assignment to Microsoft Corporation, the assignee of the present application at the time of the present invention. Accordingly, inasmuch as England qualifies only as prior art under 102(e), if at all, England cannot be used in an obviousness rejection of any type for the present application, according to the provisions specified in 35 U.S.C. §103(c).

In view of at least the foregoing, the obviousness rejections to claims 6, 9-10, 20, 23-24, 32-33 and 41-42 should all be withdrawn. Each of the independent claims, and corresponding dependent claims, should also be found allowable over the art and rejections of record at this time inasmuch as each of the independent claims includes subject matter that has not been found to be taught or suggested by Wyman or Misra, the only other art of record. Some of the pending claims have also been amended to bring even further attention to some of the recited claim elements, and to further distinguish the invention from the art of record. In view of the foregoing, applicants respectfully submit that the pending claims are distinguished from the art of record and are in condition for prompt allowance.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 2nd day of December, 2005.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973

RDN:JCJ;ppa
PPA0000001707V001